

# QUID NOVI

Journal des étudiant-e-s  
en droit de l'université McGill

McGill Law's  
Weekly Student Newspaper

Volume 32, n°1  
8 février 2011 / February 8<sup>th</sup> 2011



# QUID NOVI

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*Journal des étudiant-e-s  
en droit de l'université Mc Gill*

*McGill Law's Weekly Student Newspaper*

**Volume 32, n°14**

**8 février 2011 | February 8<sup>th</sup> 2011**

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## WANT TO TALK? TU VEUX T'EXPRIMER?

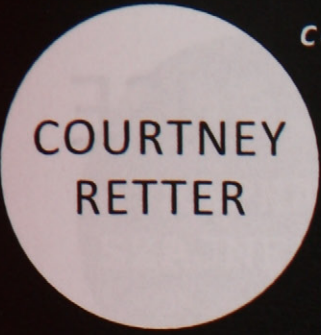
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Toute contribution doit indiquer le nom de  
l'auteur, son année d'étude ainsi qu'un titre  
pour l'article. L'article ne sera publié qu'à la  
discretion du comité de rédaction, qui

basera sa décision sur la politique de  
rédaction.

Contributions should preferably be submitted as  
a .doc attachment (and not, for instance, a  
".docx").




 COURTNEY  
RETTTER

# The Art of Placing All of One's Eggs in One Basket

Once upon a time a farmer's wife wanted to make money selling eggs. Convinced she was going to "make a killing" from her new capital venture, she loaded all of her eggs into a single basket and marched off to her local market. On the way to the market, however, the farmer's wife became so distracted by visions of herself in luscious overall denims that she tripped over a rock, forcing all of her eggs — and financial hopes — to come crashing down in an unfortunate mess of yellow yoke. And so the proverb was born: don't put all your eggs in one basket — a.k.a. remember to approach life with an attitude founded upon objectivity, level-headedness and diversification.

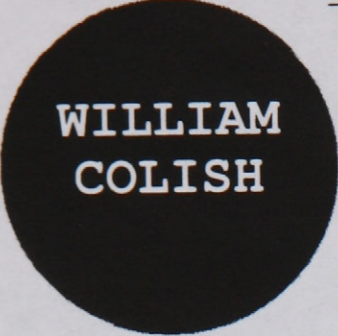
I was twelve years old the first time I decided to put all of my eggs into one basket. My parents told me that after graduating from elementary school, I was going to go to a Hebrew high school like my brother. I, however, had different plans for myself. My parents understood this fact right after my Bialik interview. I *grilled* the principal; in addition to inquiring about what the school could offer me as I transitioned into a high school student, I expressed my concern about the garbage I saw adorning the floors of the school's hallways. My parents were likely mortified on one hand, yet equally impressed by the fact that I was taking the advancement of my education so seriously. I told them I wanted to go to *Miss Edgar's and Miss Cramp's School for Girls*. And, after catching me read the school's brochures under my covers with a flashlight, promising to teach their girls how to become the leaders of the future, they believed me.

I did it again when I applied to McGill Law. I did not write my LSAT. I prepared one application. I knew I wanted to be a member of this Law Faculty and hoped and prayed that I would be admitted. Some of my friends thought I was brave; most thought I was dumb for being so single-minded with respect to my future. *What exactly are you going to do if you don't get in, eh?* Luckily, I never had to answer that question. I soon discovered, however, that putting all of my eggs into one basket for major life decision was a strategy that

was bound to fail eventually. In fact, this became clear to me about a year ago during course-aux-stages. And, in light of the fact that many of you are about to embark on this process, I can think of no better time than the present to share a piece of advice that will likely come across as self-evident — or just plain common sense — to most of you: apply to more than one law firm.

I participated in the 2010 course-aux-stages season with the same single-minded determination that fashioned my decision to go to *Miss Edgar's and Miss Cramp's School for Girls* and submit an application to McGill Law. I applied to *one* law firm. In fact, my decision to apply to that particular firm was largely a result of my eventual desire to join *one* of their practice groups. The perk of a one-firm course-aux-stages? Preparation. I knew the firm inside and out. I read about cases the firm was involved in. I picked apart the brains of students working there. I memorized lawyer profiles so intimately it was borderline creepy. It got to the point where in my first round interview a senior partner joked I knew more about the firm than he did. While my fellow peers were dating multiple firms, scheduling in so many meetings they were exhausted after a day's worth of breakfast, lunch, dinner, cocktail and after-hour interviews, I was comfortably monogamous. I was getting to know the endearing quirks and bad habits of one firm and convinced myself that my singular devotion would pay off in the long run. In the end, I got far, but not far enough. While I remained true to the firm, the firm gave me the equivalent of the, "I love you, but I'm not in love with you" break-up speech. I left course-aux-stages heartbroken. *Why don't they like me anymore?* However, after the requisite mourning period and being told by family members that, "It's okay, it's their loss," my rejection also mutated into a necessary reality-check: single-minded determination is not necessarily related to where you apply or how many places you apply to; rather, it is more appropriately related to why you applied in the first place.




 WILLIAM  
COLISH

# WRITER'S BLOCK: IN DEFENSE OF THE PASSIVE VOICE

*ABSTINENCE IS NOT THE KEY TO STYLISTIC ABUSE*

"PASSIVE VOICE RAMPANT AMONG UNIVERSITY STUDENTS" might read the headlines of a professors' bulletin on campus news. TAs and professors have rallied to curb this licentious use of style. No one is ever so forceful as to insist that students should never use it. But rather than take the time to instruct students on how to use it properly, professors and TAs usually play it safe and advise simply steering clear of that syntactical snare. As with kids curious about reproduction, maybe we'll find out when we're older. In the meantime, professors' responsibility is to ward off any further (mis)use.

Why do we abuse the passive voice? The running theory is that it is an attempt to sound smart. Removing the *subject* from the sentence makes the assertion sound more *objective*, more scientific. For example: "It is argued in this submission that use of the passive voice is to be avoided." The prevalent abuse of the passive voice gains support from the equally lamentable rule "don't write in the first person."

To cure students of their passivity, teachers remind them of the virtues of the active voice. Clarity and concision are the ambitions of any writer. Placing the subject at the front forces sentences to sit up straight, possessed of vigour. As austere as a drill sergeant, the active voice trains the mind to express itself without ambiguity, telling the reader who is doing what. This choice of style subscribes to a view of movers and shakers; every action has an actor, and thus every event an identifiable agent or cause.

But clearly not every thought worth expressing can fit this mould.

Uncritical use of the active voice is just as much bad style as uncritical use of the

passive voice. In either case, the subject of the action can easily be concealed. Consider this example: "World War I saw a concerted assault on what we now think of as free speech rights." The period in which the action occurs (World War I) takes the place of the subject rather than a subordinate clause of time. Consequently, we don't know who led the assault on free speech rights. The tendency to anthropomorphize has the unfortunate result of obscuring who or what is acting.

The active voice is no guardian of clear expression. "In the course of an afternoon, Ray lost his job, his girlfriend and his apartment." This sentence is concise, in the active voice, and painfully ambiguous. In this construction, we've purchased simple sentence structure with a bad choice of verbs. Was Ray laid off or fired? Did his girlfriend leave him or die? Was he evicted or did his apartment burn down? Or, did his girlfriend burn to death in his torched apartment where he also worked? We could try tweaking the verb choice: "In the course of an afternoon, Ray's boss fired him, his girlfriend dumped him and his landlord evicted him." Still, not a very nice rhythm.

In the passive voice, we can emphasize the Ray's misfortune without ambiguity by being more selective with our verbs. "In the course of an afternoon, Ray had been fired, dumped and evicted." Active voice advocates might object that we've lost the subject: Who is doing all of this stuff to Ray? In response we can say that where the subject is obvious, its omission is okay. We know that bosses fire, girlfriends dump and landlords evict. No ambiguity results from their omission in the sentence.

Not even Strunk (and White) in *The Ele-*

*ments of Style* is dogmatic enough to discard the passive voice. Misleadingly placed under rule 14—"Use the active voice"—he concedes that the passive voice is "frequently convenient and sometimes necessary." (While he acknowledges the value of this style, he sadly buries it under conventional wisdom, which is elevated to a rule in the world of Strunk and White.)

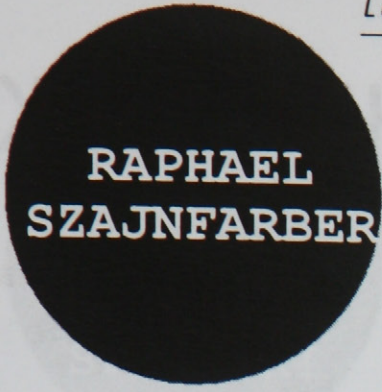
If one can hack through the pro-active-voice labyrinth, one will be able to find a few rules (dare we say) on proper use of the passive voice:

*If the subject is unknown.* "My car was stolen." The passive voice is almost necessary in this instance. "A thief stole my car" is redundant and has less impact than the previous sentence.

*If the object is important.* "The president has been shot." This construction is also quite appropriate in legal writing when one is portraying one's client as a victim. "Mr. John has been wrongly accused." "Ms. Adams has been denied her section 2 rights." These sentences could be written in the active voice—we could say that the police wrongly accused Mr. John or denied Ms. Adams her section 2 rights—but judges are moved by human stories and are concerned with correcting harms suffered by individuals. The story of a victim is compelling, but this is a story that usually takes the stylistic form of someone who has *been acted upon*, rather than someone who *has acted* (unless claiming a negative: "It's a setup! Mr. John did nothing wrong.").

*If there is a disjunctive between acting and being acted upon.* "We must conquer Sparta, or we shall be conquered." The disjunctive of acting and being acted upon




 RAPHAEL  
SZAJNFARBER

# CHALLENGING THE “DOUBLE-GENOCIDE HYPOTHESIS”

On January 26, there was a speaking event at the Law Faculty entitled “Everything You Always Wanted to Know About the ICTR [International Criminal Tribunal for Rwanda] From a Defence Perspective (But Were Afraid to Ask).” The event description criticizes the fact that the ICTR has “limited itself to *prosecuting only one side of the war*.” At first glance, this description might not seem problematic. However, the language implies an acceptance of the double-genocide hypothesis (DGH) as applied to Rwanda. Without discussing the content of the lecture, I take this opportunity to explain why the DGH is historically inaccurate.

The hallmark of the DGH is its subtle re-characterization of the 1994 Genocide as a bloody civil war in which both sides committed atrocities. DGH theorists concede that genocide was committed against Tutsis. However, they also contend that the Rwanda Patriotic Front (RPF) carried out reprisal killings of Hutu amounting to a second (read double) genocide.

The theory is appealing to human rights activists for two reasons. First, the traditional view is that the RPF committed war crimes – although the extent and severity of these crimes is contested – during its march to Kigali in 1994. Second, both Hutu and Tutsi faced persecution and death – although to differing degrees.

However, the theory’s fundamental and very serious flaw is that it conflates war crimes and genocide. There was a war between the RPF and the former Rwandan military, which began in 1990. After a number of ceasefires, this war continued during the months of April to July of 1994 and resulted in a large number of

civilian and military casualties. On the other hand, concurrently in 1994, a well-documented genocide was being carried out against the country’s Tutsi population, as street thugs, militia and citizens were sent from house to house, hill-top to hill-top, with meticulously drafted lists and clear intention to systematically “exterminate” their Tutsi neighbours.

Some might argue that a victim cannot tell the difference between a war crime and genocide; that numbers alone cannot do justice to human suffering; and that even if genocide was committed against Tutsis, this does not justify any crimes committed by the RPF. I agree with all of these points.

However, the term genocide was consciously coined by Raphael Lemkin specifically to describe a systematic, intentional and morally abhorrent crime. It was in the context of the Genocide committed in Rwanda against Tutsis that the ICTR was created by an ashamed international community.

The DGH is historically inaccurate because it inappropriately equalizes the crimes committed by both sides. If both sides committed genocide, both sides are equally blameworthy. If both sides are equally blameworthy, both sides should be prosecuted by the ICTR. The problem is that there is a morally qualitative rather than semantic difference between the crimes committed by the RPF and those being prosecuted at the ICTR. In my opinion, to equate the actions of the RPF with the pre-meditated attempt to exterminate Rwanda’s Tutsis is not only to ignore the moral difference between the two actions, but also to distort historical facts and fail to respect the memory of the Genocide’s countless victims.

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highlights the position of the decision makers, whose fate is in their hands.

*If there are multiple subjects.* Consider this example from *The Republic*: “He will imitate the good man most when he is acting steadily and prudently; less, and less willingly, when he’s unsteadied by diseases, loves, drink, or some other misfortune.” Everything after the semicolon put in the active voice would yield not only a less symmetrical comparison but an odd

cadence too: “He will imitate the good man most when he is acting steadily and prudently; less, and less willingly, when diseases, loves, drink, or some other misfortune unsteadies him.” Listing multiple subjects at the beginning of the sentence can make the reader impatient to know what those subjects are doing. It is also likely the case that each additional subject reduces the importance they should be accorded in the sentence.

Rules can improve style. Dogmatic adherence to those rules can produce the opposite result. The passive voice can be a powerful mode of expression, just like the active voice can be an ineffective and confused mode of expression. But as with any stylistic choice, one must ask where the emphasis should be placed and what are the trade-offs. Abstinence is not the key to preventing stylistic abuse.



# THE 3 THREES OF THE WEEK

## Three minutes with...

**Stéphanie Bachelet**  
**Sports Enthusiast - Crosby Fan Girl**

**Ian:** Happy End of Factum Week everyone! To celebrate this joyous occasion, I've decided to highlight one of the many activities at McGill that can fill the empty void that the Factum has left: sports! I was going to interview VP Sports, Mike Finley, but he is still recovering from s.8 withdrawal, so instead we have Stephanie, 1L sports addict!

**Stéphanie:** Wait what!? I'm a replacement!?!?! I thought you genuinely wanted to interview me...

**Ian:** I do! You're like the Ovechkin of the interview. So Steph, what intramural sports do you play here?

**Steph:** Disregarding the fact that Ovechkin is the scum of the earth and cannot compare to Crosby, I play ball hockey, ice hockey, soccer and beer pong.

**Ian:** Did I hear ice hockey? I'm assuming you meant ringette, the woman's equivalent to hockey.

**Steph:** I'll assume that statement was out of ignorance. Women play both ringette and ice hockey, and in fact, ice hockey has become more popular since Canada won Gold in the 2002 Olympics. Women realized that they did not have to be relegated to another sport, but that they could play hockey too!

**Ian:** All this feminist mumbo-jumboaside, how did you initially become interested in hockey and sports?

**Steph:** Your misogyny knows no bounds. Growing up in rural Alberta beside a pond, there wasn't much to do in the winter other than skate. I don't understand how you can discover hockey and not love it...really?

**Ian:** No more patriarchal comments I swear! So how would you suggest someone get involved in sports?

**Steph:** McGill has its own intramural site, <http://www.mcgill.ca/athletics/recreation/intramurals/>. There is also a Law Squash ladder being set up by the VP sports, so you can send him an email at [vp.athletics.lsa@mail.mcgill.ca](mailto:vp.athletics.lsa@mail.mcgill.ca) for more info!

**Ian:** Last question for you Steph, what is the #1 benefit you get from playing all these sports?

**Steph:** It was a part of my life before I came to law school, and I'll continue to cling to my past life to make sure that I don't lose myself/sanity in this never-ending quagmire known as McGill Law.



## The Three Stars

### 1. Inner-tube Waterpolo

Keeping with the theme of intramural sports, I have to gush about this 'sport'. Some call it the greatest hangover cure of all time, while others admire the complexities and grace of a sport that comprises entirely of lying in an inner-tube. Either way, this may be the greatest find since the annotated Civil Code.

### 2. Settlers of Catan

Another way to enjoy your free time is with this action-packed game of trade and commerce. With intense negotiations where you will be looking to give some 'Wood' to a 'Sheep', this is one of the few group-orientated games that is just as fun sober!

### 3. Vodka Redbulls

Even though this violates almost everything you learn from in Server Training and Risk Management courses, I am definitely a fan of these drinks. I felt as though my sense of insecurity brought on by being surrounded by 'suits' seem to magically disappear, and I suddenly become interested in asking about IP.

## The Three Losers

### 1. Overambitious First Years

I keep on telling myself that these panels and open houses will be useful. It doesn't matter that I have no understanding of Discovery or Conflict of Laws. I'll still gain some benefit from a 2 hour lecture on International Arbitration, right? Who cares that I'm not participating in the course au stage, lawyers will still want to talk to me, right? Right?

### 2. All-Star Games

From the NFL Pro-Bowl to the NHL All-Star game, these types of events have to be the most useless and boring promotional tool for sports. Take one-part player apathy and two-parts owner trepidation and you get the most lacklustre 3 hours of televised sports.

### 3. Vodka Redbulls

I distinctly remember telling someone that my heart hurt Thursday night. I also distinctly remember telling myself that my entire body hurt Friday morning. While I love all these free hands-out from firms, I just wish that they also gave out free self-restraint infused appetizers as well. How else would they expect me to act in my best interest and learn how to say no more?



EMILY  
ELDER  
&  
GRAHAM  
SPLAWSKI

# SHOUT OUT TO THE SPEAKER

"You're on my turf now," joked our LSA Speaker to the Hon. Peter Milliken, MP and Speaker of the House of Commons. The Honorable Speaker visited our faculty January 28 as the guest of the first-year class. Despite his delayed arrival—thanks, Via Rail!—an audience of more than 60 students was entertained by his stories of diplomats, ministers, and parliamentary procedure.

The sitting—and to date the longest serving—Speaker has seen Liberal and Conservative governments, majorities and minorities. He discussed the controversial (think: Afghan detainee documents) and routine (think: financing committee) sides of his office, and the record number of tied votes he has decided during his tenure (5 of 11 since Confederation—that's 1867 for you Americans). He has given a few major parliamentary decisions, but he still seems as excited about procedure as the student who many years ago subscribed to *Hansard* at the age of sixteen.

M. Milliken est né à Kingston, en Ontario. Il a fait ses études à l'université Queen's, à l'université d'Oxford, et à l'université Dalhousie. En 1973, il a été admis au barreau de l'Ontario et il est devenu procureur de la Cour suprême de l'Ontario. En 1988, il a été élu député libéral de la circonscription fédérale de Kingston-et-les-Îles. Il a été ré-élu en 1993, 1997, 2000, 2004, 2006 et 2008.

Au gouvernement, M. Milliken a été secrétaire parlementaire du leader du gouvernement à la Chambre, président du Comité permanent de la procédure et des affaires de la Chambre et coprésident du Comité mixte spécial sur un code de conduite. Le 29 janvier 2001, il devient le 34<sup>ième</sup> président de la Chambre des communes. Il a ensuite été réélu président en 2004, 2006, et 2008.

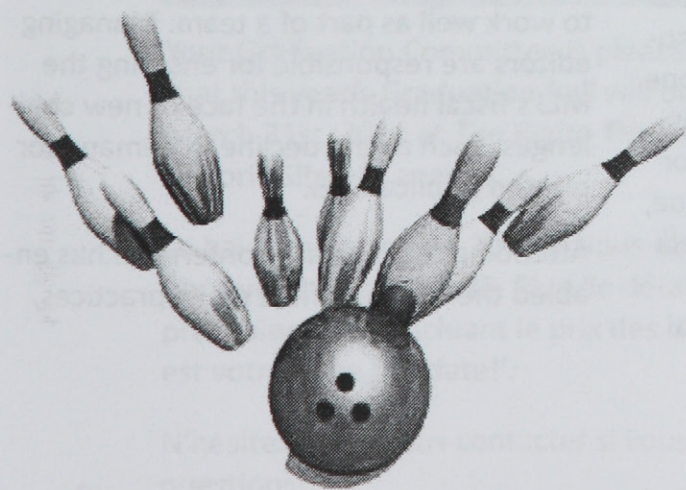
À titre de président, il veille au bon déroulement des travaux de la Chambre et à l'observation des règles de la procédure. Il préside également le Bureau de régie in-

terne qui est chargé de la gestion du personnel, environ 1 500 employés, et d'un budget annuel de plus de 200 millions de dollars. De plus, le président est le porte-parole de la Chambre auprès de la Couronne, du Sénat et d'autres autorités. (Biography courtesy of his office)

While the Speaker gives MPs their budgets, and keeps them in line in the House, he reminded the audience that he works for the House, not the other way around.

The man who has defined the role of Speaker in recent memory was a pleasure to host at the Faculty. No doubt our own LSA Speaker will be on fire at the next Council meeting.

We extend our gratitude to Professor Leckey and Arthur Nahas for helping us bring in this high-profile guest and organizing some fine sandwiches. Thanks also to the LSA for publicizing the event. And, lastly, thanks to everyone who attended, waited patiently, ate up the food and asked great questions!



**1Ls! FEB 18th** – Save the date! **PRE-READING WEEK DINNER** and **Glow-in-the-Dark BOWLING**. More info to come.

Watch out for some **TRIVIA** and **TOWNHALL** coming at you after Reading Week. Same Quid time. Same Quid Channel.



MARI  
MAIMETS

# THE LAW JOURNAL LEARNING EXPERIENCE

## THE MCGILL LAW JOURNAL'S REFLECTIONS ON THE QUEEN'S LAW JOURNAL CONFERENCE

When employers see law journal experience on a student's CV, what skills can they reasonably expect that candidate to have?

What strategies do student-run law reviews employ to mitigate their editors' lack of legal expertise and to ensure that they publish quality legal scholarship?

How do the various law journals across Canada define their pedagogical goals, and what can they learn from each other about how best to meet those objectives?

Over the weekend of 29-31 October, 2010, I attended the Second National Law Journal Conference, hosted by the Queen's University Faculty of Law in Kingston,\* where representatives from most Canadian academic law journals, including the three journals from McGill, met to discuss these and related questions. They shared experiences and best practices on the theme of "Better Scholarship, Better Pedagogy, Greater Openness". Six panels of law journal representatives compared their respective journals' editorial structures, planning and solicitation strategies, and methods for meeting pedagogical objectives through training, supervision, and evaluation of student editors. They also extensively discussed the integral role that external reviewers—experts retained by law journals to provide evaluations on the substantive integrity of articles submitted for publication—play in mitigating student editors' lack of legal expertise in order to ensure the quality of legal scholarship in Canada.

The conference also highlighted the shifting balance between generalist and specialist law journals in Canada's legal scene. The high degree of competitiveness among generalist journals in Canada, resulting mainly from their exclusive submissions policies (which permit authors to submit only articles not concurrently being considered for publication by any other journals), means that lower-ranking journals struggle to obtain quality submissions. The rise in specialist, interdisciplinary law journals has partly been due to these difficulties. An announcement by the representative of the *Manitoba Law Journal* that it has ceased operations and will soon re-launch itself under the new title of *The Canadian Journal of Human Rights: An Interdisciplinary Journal of Law and Policy* illustrated this changing landscape of legal scholarship in Canada.

The *McGill Law Journal* ("MLJ") is one of Canada's leading generalist journals, cited more frequently by the Supreme Court of Canada than any other academic legal publication, and ranking highly in other indices used to measure law journals' impact. The quality of its legal scholarship has long been guaranteed by a blind peer review process. Thanks to its reputation, it does not have to actively solicit English articles for publication, although it does sometimes solicit articles from francophone scholars. In terms of planning strategies, the MLJ occasionally publishes theme or symposium issues; indeed, a recent issue, entitled "L'héritage de l'affaire *Roncarelli v. Duplessis*/The Legacy of *Roncarelli v. Duplessis*: 1959-2009", is the result of a

symposium held on the 18 and 19 of September 2009 in the Eastern Townships. Most of the MLJ's issues, however, remain a "place of meeting" for diverse authors on diverse topics—one of the greatest strengths of a generalist journal.

The most valuable benefit enjoyed by MLJ student editors is the opportunity to be exposed to and involved in excellent legal scholarship. In return, student editors ensure the excellence of the writing and the thoroughness and accuracy of the citations in articles accepted for publication. They are selected for their technical editing skills, writing ability, and work ethic—skills which are tested by the rigorous application and interview process that takes place in January and February\*\* and honed throughout the two years that student editors serve on the *Journal*. Qualities that employers know they can expect from job applicants whose CVs reflect editorial experience with the MLJ are exceptional attention to detail and the ability to work autonomously according to exacting standards of quality.

Management board applicants are selected for their initiative and entrepreneurship, as well as for their professionalism, excellent communication skills, and ability to work well as part of a team. Managing editors are responsible for ensuring the MLJ's fiscal health in the face of new challenges, such as the decline in demand for printed publications.

Attending the Queen's conference has enabled the MLJ to reflect on its practices,



which align closely with the best practices put forward by the panellists, and also to realize that many of the challenges it faces are faced equally by all student-run publications. The conference was an excellent forum for the exchange of ideas between student-run law reviews about how to structure and manage their organizations. I would strongly encourage the

future executive boards to renew their participation in the National Law Journal Conference, which brings together representatives of legal scholarly publications and which facilitates information sharing, self-reflection, and continued self-improvement.

\*The MLJ gratefully acknowledges the

support of the Dean's Discretionary Fund and the Queen's Law Journal in making my attendance at this conference possible.

\*\*Applications for the Volume 57 editorial and management boards are now available for pickup at the SAO. The deadline for applications is 28 February, 2011.

## GRADUATION COMMITTEE

# SAVE THE DATE



Your Graduation Committee is pleased to announce that this year's Graduation Ball will be held on March 31st, 2011 at The Rialto Theatre, a National Historic Site of Canada!

Le bal commencera à 20h30. Nous allons avoir un bar ouvert jusqu'à 0h30. Plus de détails à venir très prochainement (incluant le prix des billets) - ceci est votre 'save the date!'.

N'hésitez pas à nous contacter si vous avez des questions.

Au plaisir de vous voir le 31 mars!

Your Graduation Committee (2010-2011)

Charlie Feldman, Viviane Lentz, Tim Bottomer, Firas Ayoub

PS: Thank you to Thomas Gagnon-van Leeuwen for the image, and thanks, of course, to the LSA for its assistance!





LAWYERS WITHOUT BORDERS  
**AVOCATS SANS FRONTIERES**  
ABOGADOS SIN FRONTERAS  
Université **McGill** University

*présente*

# L'État de la justice en **HAÏTI**

*avec*

**Danielle Saada**

**Mardi 8 février**

**17h45**

**Room 316, New Chancellor Day Hall**

Design : Thomas Gagnon-van Leeuwen • [thomasgvl@gmail.com](mailto:thomasgvl@gmail.com)





# LIBRARY NEWS

In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina [svetlana.kochkina@mcgill.ca](mailto:svetlana.kochkina@mcgill.ca), Liaison Librarian Nahum Gelber Law Library.

## Space between search terms in Quicklaw and Westlaw (Reminder)

**Important!** If you do not use connectors (AND, OR, NOT) between your search terms, i.e. if you just put a space between them, Quicklaw will search them as an exact phrase, while in Westlaw, the space will be equal to OR.

## Selden Society Publications and the History of Early English Law are on-line

As of last week, McGill Library provides access to the Selden Society Publications and the History of Early English Law via HeinOnline. The HeinOnline collection contains official publications from the Selden Society, including the Selden Society Annual Series Vols. 1-119 (1887-2002), the Supplementary Series Vols. 1-13 (1965-2000), and the Centenary Guide to the Publications of the Selden Society. It also includes the Publications of the Ames Foundation and a number of legal classics, digests, encyclopaedias and abridgments. For the full description of the coverage, see [http://heinonline.org/HeinDocs/Selden\\_Society.pdf](http://heinonline.org/HeinDocs/Selden_Society.pdf)

## Law Library 3 top loans in 2010

1. Constitutional law of Canada / Peter W. Hogg (2008) KE4219 H63 2008 (80 times)
2. Constitutional law of Canada / Peter W. Hogg (2007) KE4219 H63 2007 (68 times)
3. The harmonization of federal legislation with the civil law of the province of Quebec and Canadian bijuralism KE432 H37 2001 (62 times)

## EndNote updates

EndNote has released an update to EndNote X4 for Windows that includes several improvements and patches, the most important of which is the compatibility of the new version with Microsoft Word 2010 64-bit.

Find more about new EndNote update at:

[http://endnote.com/support/ENX401\\_Win\\_updater.asp](http://endnote.com/support/ENX401_Win_updater.asp)

If you have any question about EndNote, you can contact the McGill Library's EndNote group at [endnotehelp.library@mcgill.ca](mailto:endnotehelp.library@mcgill.ca)

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*LL.M. Non-Thesis Student*

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## A WORD OF THANKS

Yesterday I attended the Community Law teahouse. In this friendly and chilled out atmosphere, between enjoying unexpected and high-quality performances by law students, I got a chance to sing out with a guitar. Playing in front of my fellow students made me a bit nervous – first time ever for me playing in a law faculty! Which explains, notwithstanding a very well-disposed audience, me forgetting to say something that I think is important to share. It doesn't relate to me having a cold and apologizing in advance for my voice which could be getting weird

– though I wish I said that too. No, what I want to express here is a warm “thank you” to Community Law for setting up this event, as well as to the people who participated, by performing and/or attending.

Thank you for making this teahouse happen!

Not only is it refreshing in the middle of all the law firm coffee-houses, but it is also part of what makes McLaw a place where it feels good to go.



PAULA  
LOBECK

# DEAR ANTHONY

Dear Anthony,

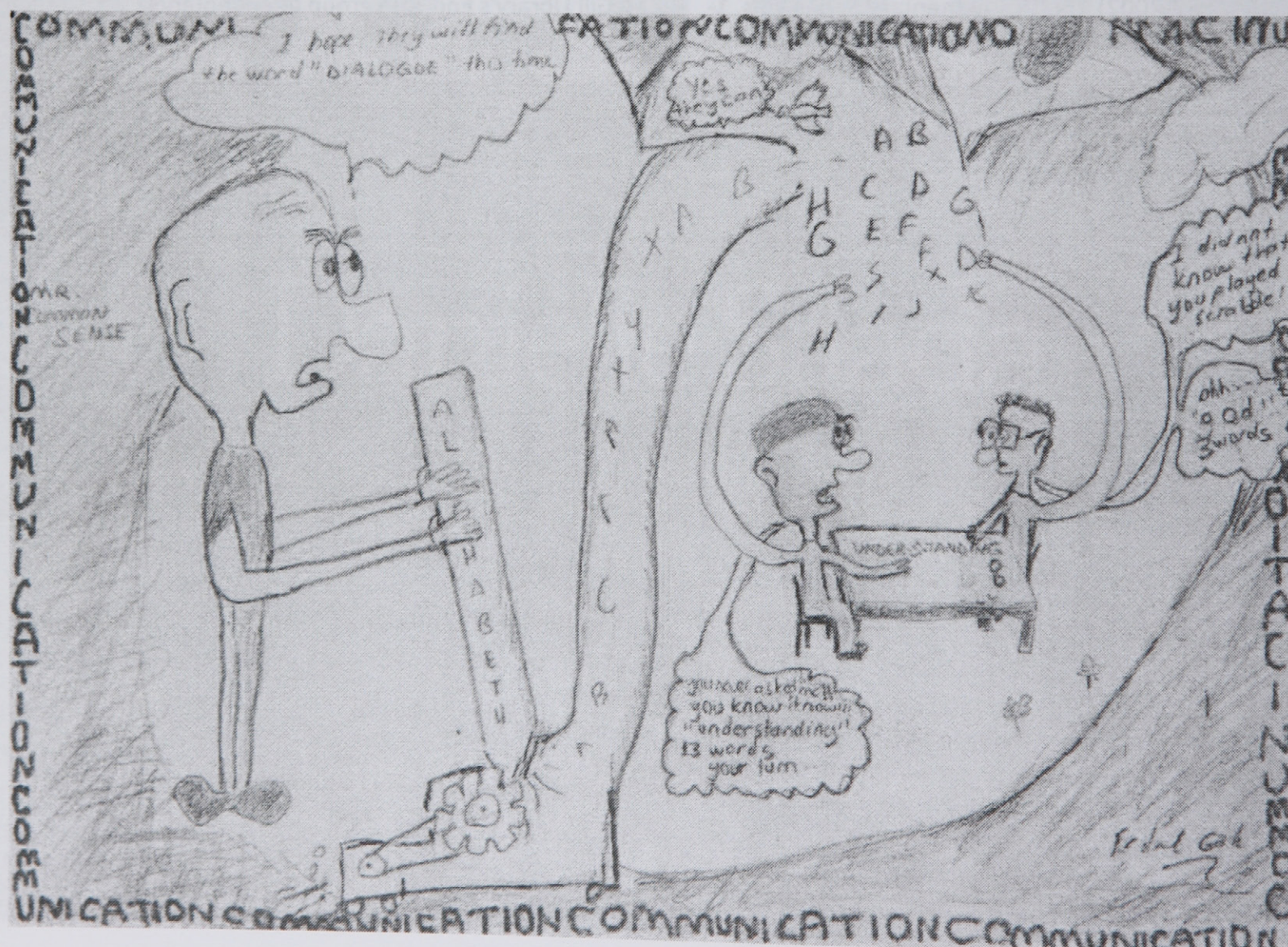
I wanted to thank you for your contribution to last week's Quid, and tell you how moved I was by it and how humbled. I spend the vast majority of my time complaining about the impossibility of law school, the amount of readings and the unfairness of

exams. Struggling with the content of law, I have never taken the time to consider what it would mean to struggle with the form of the content before even getting to what we are supposed to learn. I admire you.

Paula

ERDAL  
GOK

# CARTOON





## H É L È N E V A L L É E

Vous êtes invité à vous joindre aux festivités du Carnaval de Québec le week-end de la Saint-Valentin pour la grande finale du Carnaval.  
Le défilé se teindra aux portes de notre hôtel!! (Le Delta Québec 690 boulevard René-Lévesque Est Québec)

Le programme:

Samedi:

10 am Leaving from the Faculty on luxury bus ( 8 students from UQUAM are joining us)

Lunch time arrival in Quebec City  
Carnaval Exploration

Evening: We are going out on "Grande Allée"! (with students from UQUAM and Université Laval)

Dormir...

Brunch ( I am looking to book a place if people are interested)

Le défilé du bonhomme Carnaval  
Retour à Montréal en fin de soirée

There are 44 spots. The fee is 55\$ (transportation + hotel!!)

Quatre personnes par chambre. You can invite someone to come along with you that is not in law at McGill.

To make your reservation please drop your check in the VP Internal mailbox (the one labeled glamazone).

Address your check to the McGill Law Student Association and clearly write the names of the persons you are paying for.

Make your reservations ASAP so I know we have 75% attendance, if not I might have to cancel the event.

CARNIVAL MARDI GRAS CARNIVAL  
**QUEBEC**  
FEBRUARY  
12-13  
FÉVRIER  
2011  
55 \$  
PER PERSON  
(INCLUDES HOTEL  
AND TRANSPORTATION)  
SPONSORED  
BY THE LSA  
**PLEASE RESERVE YOUR SPOT!**  
DROP YOUR CHEQUE IN THE VP INTERNAL MAILBOX  
IN THE LSA OFFICE

I hope many can make it. It's going to be epic fun! :D

Also, coming soon, to a Faculty near you...ski de soirée! Winter is here, might as well enjoy it! ;)



# Climate Change & International Law

Recent Developments and Perspectives for the Future

An expert panel discussion

Tuesday, February 8th 2011, from 4h00 to 5h30PM

McGill Faculty of Law

Old Chancellor Day Hall (3644 Peel Street), Room 16

Entry is free to the public

#### Panellists:

Prof. Richard Janda, McGill University (Chair)

Prof. Konstantia Kourouki, Université de Montréal

Prof. Mark Purdon, McGill University

Prof. Myron Frankman, McGill University

Ms. Sarah Mason-Case, Centre for International Sustainable Development Law

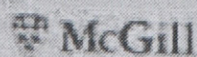
Mr. Benoit Mayer, Centre for International Sustainable Development Law



The United Nations conference on climate change in Cancun (COP16), although unnoticed in the media, marked some significant progress and a more open and transparent approach to climate change negotiations. In a context where the effects of climate change are already starting to have dramatic impacts, states sought to address issues such as mitigation and adaptation to climate change, climate finance and elaborating a new approach after the expiration of the Kyoto Protocol in 2012. The vulnerability of developing nations and small island states to climate change formed a strong emotional background to the conference.

This Experts Panel discussion will involve international experts in the field of climate change, all of who attended the Conference in Cancun. The discussion will focus on the practical outcomes of the conference, as well as the future prospects of international climate change law. The panel will adopt a multidisciplinary and comprehensive approach, focusing on such areas as climate finance, human rights, climate migrations and international climate change governance.

The new CISDL Working Paper Series on climate change, available at [www.cisd.org](http://www.cisd.org), will also be launched at the panel. This series of 11 papers contributed by members of the CISDL focuses on cutting edge issues with regard to international climate change law.



Centre for International Sustainable Development Law



For more information, please contact Patrick Reynaud at [patrick.reynaud@mail.mcgill.ca](mailto:patrick.reynaud@mail.mcgill.ca)



MICHÈLE  
LAMARRE-  
LEROUX

Law I

# ANOTHER MYSTERY AT THE FACULTY OF LAW

I had the chance to be shown by an upper-year a pretty funny thing in the faculty. I think the majority of upper-years have already noticed, but a lot of 1L are not aware of it. After the ghost of the basement men's washroom, talked about in a previous article, I urge you to go meet the Wiseman. Totally improvised name for what I bet is an improvised character.

On your way up the stairs from the basement to the atrium, near the LSA, have a look at the last picture on your right, the picture of the 1937 promotion.

I was stunned when I was first shown that character, and my friends had a pretty similar reaction when I showed them. Since then, I keep looking at it each I walk up or down those stairs (and we all know we are using them quite a lot!).

J'ai commence à imaginer toutes sortes

d'histoires, créant une vie à ce personnage des plus mystérieux. La plus banale est l'histoire du gars qui voulait faire une bonne blague, un pied de nez à McGill Law après s'être fait suer pendant 3 ans à devoir feindre une attitude élitiste. Il voulait passer à l'histoire et faire honte à ses professeurs. Voilà, il aura réussi du moins à se faire remarquer!

Une autre possibilité est l'histoire du gars qui à l'approche de ses examens, au moment de prendre la photo, a tout simplement « sauté une coche », est devenu immergé dans un monde de concepts, faisant des allusions à la mythique personne raisonnable qui n'existerait pas et a voulu prouver que le fameux test de ses cours d'obligations extra-contractuelles n'était vraiment qu'un mythe, que personne n'est raisonnable dans la vie et qu'il valait mieux affirmer sa folie (découlant du simple fait d'être des étudiants en droit).

Ou bien c'est l'histoire du gars qui revenait d'un échange à Iqualuit ou à Yellowknife et a voulu honorer la culture qu'il a découverte. Pour toujours.

Et j'en ai plein d'autres. En guise de simple curiosité, de passe-temps ou d'excuse pour ne pas lire, je vous invite à m'envoyer un email (michele.lamarre-leroux@mail.mcgill.ca) avec votre fabulation sur la vie de Wiseman, dès que, après lu au moins les premières lignes de cet article, vous n'aurez pu vous empêcher de tourner la tête dans les escaliers. Je partagerai alors les résultats dans un prochain numéro du Quid Novi, sous anonymat si vous le souhaitez.

J'espère avoir maintenant troublé un peu plus votre vie à la Faculté!

Dear Reader,

Veuillez noter que notre horaire de publication sera interrompu à cause de la semaine de lecture.

Pour le numéro du 15 février, dernière édition avant la semaine de lecture, veuillez-nous envoyer vos soumissions avant le 10 février à 17h (quid.law@mcgill.ca).

Tuesday, February 22nd – No publication. Enjoy Reading Week!

The next new issue will be that which publishes on Tuesday, March 8th.

Pour le numéro du 8 février, SVP envoyez vos soumissions avant le 3 mars à 17h.

Also, when we return from Reading Week, the new Co-Editors-in-Chief will be taking over, marking the end of the Courtney-Chanel-Charlie era.

Thank you for your continued loyalty to the Quid.

Sincerely,  
Le Direction

QUID  
NOVI



**CHARLIE  
FELDMAN**

Law III

# SKIT NITE - HELP US OUT!

Howdy everyone!

As we prepare for Skit Nite, there are a few things we need.... please let me know (charles.feldman@mail.mcgill.ca) if you may be able to help. Thanks!

**CONTENT** - If you're planning something for Skit Nite, I need to know ASAP as the program is filling up. I would like your proposals by the 15th (all it needs to be is a few sentences about what you have planned). Your final texts are due by the 1st of March. Please let us know before you start shooting something so we can talk about time limits and possible content issues before you've gone and shot / spent hours editing something.

**Note:** By 'possible content issues' I don't mean simply questions of appropriateness, but concerns we have about repetition (e.g. we want to avoid having 20 skits on the factum).

**TRANSPORT** - If you have a car (and license) and are willing to help us move equipment to and from the venue on the 15th, please let us know. In particular, we need people who can help us get the musical equipment transported - this means staying after everyone is gone and then driving (so you can't drink and have to stay up late...) - it's not the most fun but it needs to be done! Also, the music store will be closed when Skit Nite ends, so the equipment has to be taken there the next day (if you can only drive the 16th or only the 15th, let us know - we may be able to work things out!)

**COMPUTER WIZZARD** - The most important job there is for Skit Nite, this involves having a trusty reliable PC (or a mac and an s-video cable). You'd have to be a Power-Point-clicking and video-playing wiz (and come to rehearsals) to make sure the right thing loads at the right time. You'd also

need to be at the venue the entire day of the 15th... it's not a hard job, it just needs to be done and done right :-). Oh, and you'd have our undying gratitude in return!!!

**MISC** - Does anyone have a CPR mannequin or something similar? Maybe a life-sized baby doll? What about an Easy Bake oven and children's kitchen play items? These are the items I'm currently seeking...

**WRITERS** - If you have a creative side and want to help craft / review some skits, let me know. This may make Skit Nite less fun for you if you know a skit in advance, but I could use some creative input to make sure what I think is funny isn't met with 'boos' or tomatoes being thrown... :-)

**STUDENT ACTORS (1)** - I need 1Ls for a skit that will be filmed at the Faculty on Saturday the 12th.

**STUDENT ACTORS (2)** - I also need a whole bunch of other people for a video to be shot in the coming weeks. Basically, I just need to know who has interest and from there we'll make sure it's a part that works for you and come up with a time to shoot. This video is heavily tied to a Professor's hectic schedule, so I want to get a list-serve together for the last-minute (Who can say these three lines at 11am tomorrow?) e-mails :-). I'll need ten students for this second video (as I see it now), with only about three lines each. It's tame, I swear.

**STUDENT ACTORS (3)** - I'm hoping to cast 4-6 students for a live skit. (Obviously, you want more details but I don't want to ruin the surprise.) There's no getting around memorizing this one - it's a mix of drama meets reality show meets soap opera. C'est mon but que cela soit majoritairement en français...

**STUDENT ACTORS (4)** - Can you do a good

impression of a Prof? Would you be willing to perform in character at Skit Nite? Let me know.

**PROF ACTORS (1)** - I think we may be setting a record this year for Prof participation! I'm hoping to get about four of you to have about two lines each in a video to be shot in the coming weeks. You'll be playing opposite another professor. Since I have a bunch of you involved already in live skits, this is my call for those who may be more comfortable with a short cameo that's highly controlled rather than a live skit needing more memorization.

**PROF ACTORS (2)** - If you are game for a short, live-action dialogue opposite another Professor (and are not already involved), let me know.

**YOUR PRESENCE!** Skit Nite tickets will be on sale starting in March. The cost - in advance - is \$15. At the door, tickets will be \$20. Yes, it's the same price as last year, and yes, the proceeds are going to charity per LSA By-Laws..

Thanks everyone - and **MAKE SURE TO COME TO SKIT NITE!!!!**  
-Charlie

The Skit Nite Committee would love to thank our sponsor, Blakes for all its support. Blakes, we love you. **YES, WE LOVE YOU.** That's right.. nothing but love for Blakes, the best firm in the country. Blakes Blakes Blakes Blakes Blakes ... better than sliced bread. Better than ice cream. Better than, dare I say it, anything that's not Blakes.

Oh, and thanks to the LSA too for its support and help making Skit Nite 2011 happen!



## VALENTINES IN THE QUID!! CITATIONS D'AMOUR

The Quid publishes on February 15th (the day after Valentine's Day) and for the occasion we want to fill our pages with love!

To get involved, send us your valentine(s):-) Pour ce faire, soit envoyer un courriel à [quid.charlie@gmail.com](mailto:quid.charlie@gmail.com), soit mettre quelque chose dans la boîte de 'Class President III' au bureau de l'AED. DEADLINE: Thursday, February 10th at 5pm!

You can profess your undying love for a classmate or simply shout-out a friend. You can propose marriage to your steady or simply let your secret crush know (anonymously) that, well, umm, they have a secret admirer.

Send as many as you'd like. Céline Dion nous propose qu'il suffisait d'aimer – le Quid pense qu'il faut au moins mettre quelque chose par écrit!

Vous voulez participer ? C'est facile ! For the sender and intended recipient(s), indicate student year and initials. If you are unsure of the year, you may use question marks.

Example: From CF (3L) to DH (3L): Last year on this page I wrote «You were my factum partner ... but will you be my life partner?» I'm guessing that since you decided to be on exchange this semester the answer is no... but I still love you anyway!

To remain anonymous (on either or both sides), simply use question marks.

Example: From ?? to Prof. Fox-Decent : You should really take out the 'Decent' from your name because you are a total fox!

For LLM students write LLM, and for exchange students, simply use EXC. If you aren't sure, use question marks.

Example: From ?? to JG (EXC): Scotland is not that amazing, but thanks for playing. Love you like you love haggis!

Keep it classy, or at least try to... It's a fine line, so use your judgment and please don't make the Quid Editorial Team agonize over it. (See example above re Prof. Fox-Decent. That one is right on the line..... )

Okay, so, here are more fictional examples!

De CF (3L) à CS (3L): Je pense que t'es un immeuble par attache parce que sans toi je serais incomplète.

From CF (3L) to MJT (2L): You are the Nahum to my Gelber.

From ?? (3L) to ?? (1L): I think of you as being the Charter circa 1982 ... in that I want to repatriate you ... you know, bring you home...

De CF (3L) à VL (3L) : Hugo dit que "L'amour fait songer, vivre et croire." Evidement, tu es mon amour.

From CF (3L) to CS, CR (3Ls): The Quid is our baby – when we work on it together I get emotional sometimes and think of art. 538 CCQ. Hint hint, nudge nudge.

From ?? (1L) to ?? (1L): I want to moot in your court!

From CF (3L) to KKP (2L): I want to dedicate a love song to you ... because you're so Rojo Caliente :-P

De CF (3L) à l'AED: Je t'aimais, je t'aime et je t'aimerai !

From CF (3L) to The Cafeteria Lady: It's often said that the way to a man's heart is through his stomach. Apparently you're desirous of a prolonged courtship...

So, get writing! [Quid.charlie@gmail.com](mailto:Quid.charlie@gmail.com) avant 17h, le 10 fév!





# DROIT À L'IMAGE

So, it seems like it was a light week for overheards – but, as always send what you have : quid.charlie@gmail.com. Oh, and since someone asked me – again – why this section was called “Droit à l’image” – here’s an extra helping of pictures from the past week (mostly Tea House and Factum Day!). Have a great week!

Oh! Recently we ran a redacted quote that read as though the Prof in question had been caught in two speed-traps on the same day. It was meant to be twice that year, as I understand. My apologies to the professor, and my strongest condemnation of the submitter! The Quid doesn’t like to print inaccurate items. Rumour and unsubstantiated gossip, yes; falsity: no!

...Disons... (overheard @ the fac)

Prof. Dedek: So who wins in this case?

Student: The bank...?

Prof Dedek: The bank always wins.

Prof. Jukier: It's ok to be crazy, it's another thing to kill people.

Prof. Moyse: Ils en ont pas de causes de lingots d'or chez Stikeman Elliot.

Prof. Saumier: This is how law school ruins your life: instead of thinking about how to make friends, you ask yourself how to escape liability.

Prof. Saumier: You know, Supreme Court obiter is Court of Appeal ratio.

Prof. Klein: People are just getting wimpy about the snow these days – they cancelled the 144 bus the other day – that would NEVER happen was I was growing up. This is NOT my Montreal!

Prof. [Redacted]: Private international law was taught by a monotone-voiced professor when I took it in my fourth year, in the moot court. I quickly came to the conclusion that if I went to class, I'd just fall asleep. So I decided to stay at home and sleep there instead.

Prof. Smith: I have very strong views on that case, but I can't remember what they are.

Prof. Jukier: Smoking pot and harbouring FLQ terrorists are obviously at different end of the spectrum, but...

Prof. Klein: Did, when they came up with this policy, did they rub their hands together and smirk and laugh evilly?

Prof Belley: Le droit tend à refroidir la morale. Est-ce que quelqu'un aurait un conseil à donner pour faire face à cet aspect sombre du droit?

Prof. [Redacted] Those people were sadistic jerks!! ... Hope none of them were your family members.

Prof. [Redacted]: I'm NOT doing that at Skit Nite – there's no way in hell!

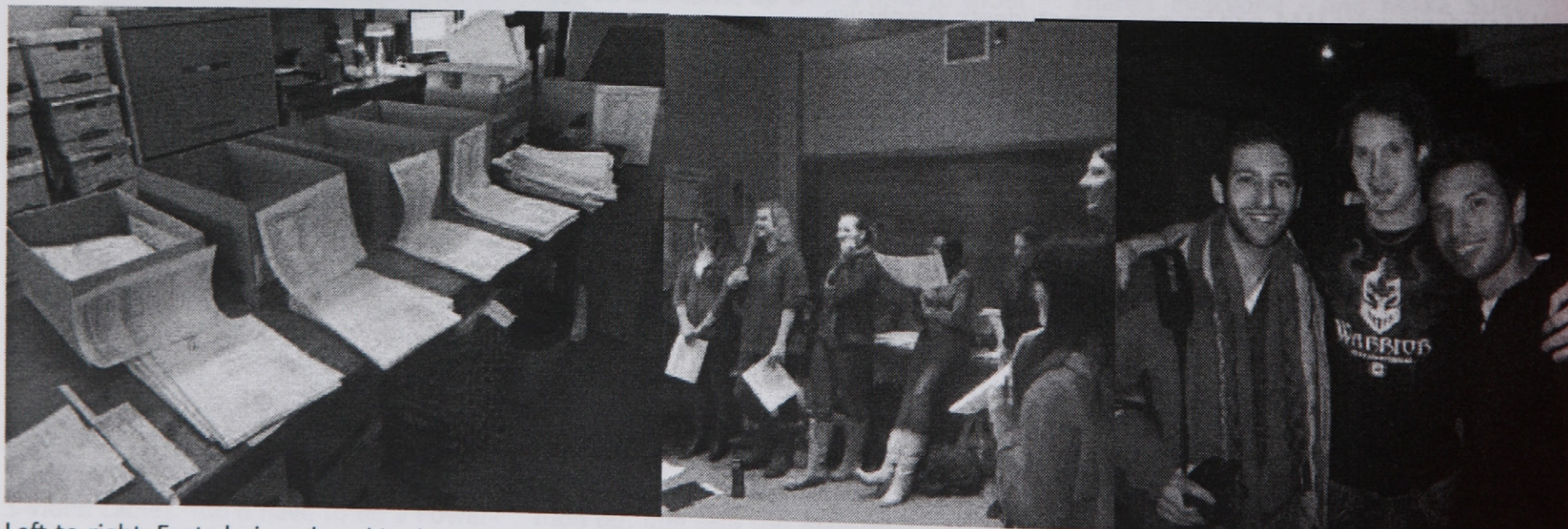
3L: I like tax havens. I wish I had enough money to use them.

(In Maritime Conventions)

3L: Seamen haven't been discussed yet - maybe because of the possible quid pro quo

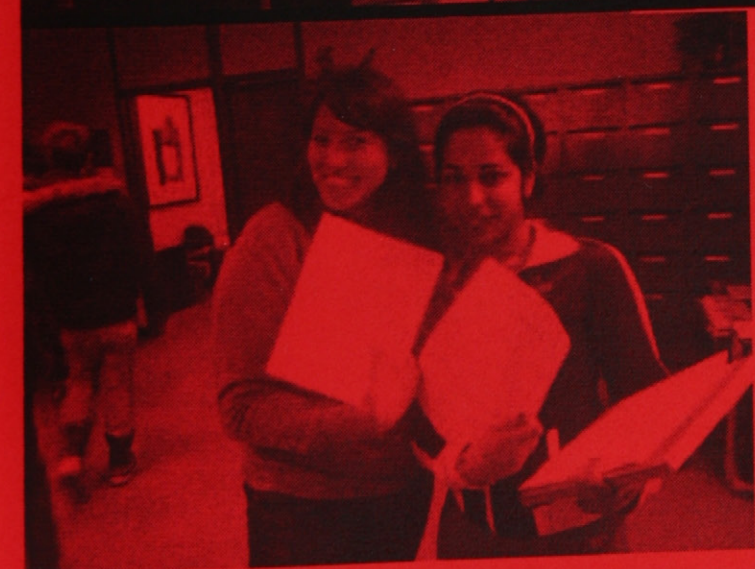
1L: (Parlant à une collègue) Hey, avec tes cheveux comme ça, tu ressembles à une pornstar des années 80.

1L (la collègue en question): ... (silence lourd)



Left-to-right: Facta being placed in the various <B> grade range boxes at the SAO; what appears to be choir practice - can't wait to see them at Skit Nite!! And, on the right, a coffeehouse picture I was told I had to put in the Quid... so here it is! Et voila!





Above: Community Law Tea House! Great job, tout le monde!

A gauche: on a finit le factum.

A droite: Le SAO à 15h vendredi - Factum Day!





LSA AED

**Droit McGill Law**

# SKIT NITE 2011

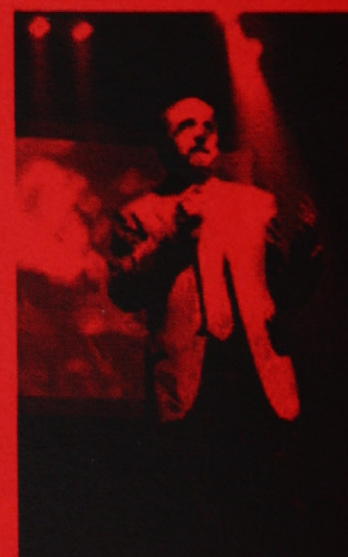
**CLUB SODA**

1225 St Laurent

show starts at **7:30pm**  
(doors open at 6:30pm)

Presented by our official partner:

*Blakes*



Club Soda

**MARCH 15th 2011**

**\$15**  
pré-vente  
(\$20 à la porte)